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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,332	06/15/2000	Ryan W. Battle	777.396US1	8527
22801	7590	08/26/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			COLLINS, SCOTT M	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/594,332	BATTLE ET AL.	
	Examiner	Art Unit	
	Scott M. Collins	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-40 examined.
2. It is hereby acknowledged that the following papers have been received and placed of record in the file: Reconsideration on 05/14/2004.

Response to Arguments

3. Applicant's arguments filed 05/14/2004 have been fully considered but they are not persuasive. Applicant's main argument centers around the contention that Gupta does not teach "expiring cookies from the browser" as claimed in at least the majority of the independent claims. However, Gupta inherently teaches expiring cookies from the browser by teaching that the cookie (which contains the information regarding whether or not the user is logged in) is forwarded to the application server – by way of a browser – in order to invalidate (that is, to expire) the current session – which inherently requires updating the cookie to reflect the changed log-in status and thereby expire them. To argue that this does not teach "expiring cookies from the browser" fundamentally misunderstands the purpose and functionality of cookies themselves.
4. In paragraph 4 of page 15, applicant points out a contradiction between the first and second non-final office actions regarding whether or not the examiner believed that the Wu reference taught "the method wherein multiple servers are logged out of by selection of a single logout link." The examiner was incorrect in the first non-final action, corrected the matter in the second non-final action and stands on the current rejection.
5. Furthermore, in the last paragraph that begins on page 15 and continues to page 16, applicant argues that a certain point was deemed persuasive in the previous office action. In response, it should be noted that applicant's arguments between the first and second non-final

Art Unit: 2145

action were deemed persuasive in the general sense such that a portion of the rejection was altered. If some part of the rejection wasn't altered, then it obviously was not persuasive.

6. Pages 16-17 of applicant's arguments comprise a bulleted list of limitations from the claims. Applicant's technique of listing limitations from almost every claim and simply stating that they are not taught is inappropriate. Every bulleted set of limitations addresses expiring cookies (or at least retiring cookies which is understood to be the same). Thus, the examiner refers to the response in paragraph 3 above on this matter and stands on the previous rejection as written herein below.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1 and 7 rejected under 35 U.S.C. 102(e) as being anticipated by Gupta et al., U.S. Patent Number 6,226,752 (herein referred to as Gupta).

Art Unit: 2145

9. Referring to claims 1 and 7, Gupta has taught a method of logging a computer system user out of a server comprising the steps of:

- a. receiving a selection of a logout link (Gupta column 13, lines 41-64);
- b. generating a logout page for display on a browser being used by the user (Gupta column 13, lines 41-64);
- c. causing a request for data from the server to be issued by the browser, and expiring cookies from the browser in accordance with the request (Gupta column 13, lines 41-64);
- d. wherein the cookies include data provided to the browser by the server (Gupta column 13, lines 41-64).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta as applied above in view of what would have been obvious to one of ordinary skill in the art at the time the invention was made.

12. Referring to claim 2, Gupta has not expressly disclosed the method wherein the request further causes the server to send an image to the browser which is indicative of successful logout. However, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to acknowledge a successful logout. This could have been accomplished

Art Unit: 2145

by a simple text message, an image, or any other method of alerting the user. One of ordinary skill in the art would have been motivated to do this because logging out of a secure server is a sensitive process and the user should be given some form of acknowledgment that his/her data has been secured. In addition, Gupta is already utilizing browsers to perform the logout and the use of images in browser is a prevalent activity.

13. Claims 3-6, 8-40 rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta as applied above in view of Wu et al., U.S. Patent Number 5,774,551 (herein referred to as Wu).

14. Referring to claims 3 and 26, Gupta has not expressly disclosed the method wherein multiple servers are logged out of by selection of a single logout link. Wu has taught the method wherein multiple servers are logged out of by selection of a single logout link (Wu column 4, lines 3-24). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to not only log the user out of a particular server by utilizing a browser as Gupta has, but to also log the user out of multiple servers at once as Wu has. Wu has not disclosed utilizing a browser to log the user out of multiple servers, but Gupta has provided this service. One of ordinary skill in the art would have been motivated to do this in order to expedite the log off process for both the methods used by Gupta (expedited by logging out of multiple servers at once) and Wu (expedited by a swift browser interface).

15. Referring to claim 4, Wu has taught the method wherein the logout link may be located on any of the multiple servers and an authentication server (Wu column 4, lines 3-24 where the location of the link does not affect Wu's system and can thus be anywhere.).

Art Unit: 2145

16. Referring to claim 5, Wu has taught the method wherein a visited sites cookie maintains a list of all sites logged into by the user (Wu column 2, 19-31 where Wu's "credentials" correspond to applicant's "cookies" where "cookies" are understood to be personal data stored on a user's computer that authenticates communication to a source.). In addition, Gupta has taught utilizing cookies in logging off of multiple computers and the cookie is responsible for maintaining the user's data and history including what servers they want to log off (Gupta column 13, lines 41-64)

17. Referring to claim 6, Wu has taught the method wherein selected cookies are expired to log out of the server (Wu column 2, lines 31-38; column 3, lines 1-17; and column 4, lines 3-24 where Wu's "credentials" correspond to applicant's "cookies" where "cookies" are understood to be personal data stored on a user's computer that authenticates communication to a source.).

18. Claims 8-9 do not recite limitations above the claimed invention set forth in claims 2-3 and are therefore rejected for the same reasons set forth in the rejection of claims 2-3 above.

19. Claims 10, 15-18, and 24 do not recite limitations above the claimed invention set forth in the combination of claims 1-3 and are therefore rejected for the same reasons set forth in the rejection of the combination of claims 1-3 above.

20. Claims 11 does not recite limitations above the claimed invention set forth in the combination of claims 1-3 and 5 and are therefore rejected for the same reasons set forth in the rejection of the combination of claims 1-3 and 5 above.

21. Claims 12, 13, 22, 23, 25, 28, and 33-40 do not recite limitations above the claimed invention set forth in claim 5 and is therefore rejected for the same reasons set forth in the rejection of claim 5 above.

Art Unit: 2145

22. Referring to claims 14 and 27, neither Gupta nor Wu has expressly disclosed the system wherein the request for a logout page can be initiated via different server pages. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to allow the request for a logout page to be initiated via more than one server page. One of ordinary skill in the art would have been motivated to do this because to only allow the logout page to be initiated via one server page would severely limit the system as a whole.

23. Referring to claim 19, neither Gupta nor Wu has expressly disclosed the method wherein the image comprises a checkmark image. The Examiner takes Official Notice (see MPEP § 2144.03) that fact that "a checkmark image" is a symbol for affirmative, a positive result, or a task complete was well known in the art at the time the invention was made. Therefore, it would have been obvious to utilize a checkmark image for the image that is to signify affirmative, a positive result, or a task complete.

24. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or reputation of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice

Art Unit: 2145

means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

25. Referring to claim 20, neither Gupta nor Wu has expressly disclosed the method wherein the image tag ensures that the image will not be retrieved from cache. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to ensure that any piece of data downloaded was the most current. One of ordinary skill in the art would have been motivated to do this in order to avoid stale data.

26. Referring to claim 21, neither Gupta nor Wu has expressly disclosed the method wherein the image tag includes a query. The Examiner takes Official Notice (see MPEP § 2144.03) that "including a query in an image tag" in a computer networking environment was well known in the art at the time the invention was made. Please see paragraph 21 above for responding to Official Notice.

27. Claims 29-32 do not recite limitations above the claimed invention set forth in the combination of claims 18, 20, and 21 and are therefore rejected for the same reasons set forth in the rejection of the combination of claims 18, 20, and 21 above.

Conclusion

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2145

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Collins whose telephone number is 703.305.7865. The examiner can normally be reached on Mon.-Thurs. 7:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703.308.5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smc
August 17, 2004


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